IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 10528 of 2004

Between:

B. Subashchandra Bose, S/o B. Siddaiah, Hindu,
R/o Tirupathi, Chittoor District, (Hall Ticket No. TV/1998-075).

..... PETITIONER

AND

1 Associate Dean, College of Veterinary Science, Tirupathi.
2 Dean, Facultry of Veterinary Science, Acharya N.G. Ranga Agricultural

University, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of Mandamus declaring the action of the respondents in Memo No. 232/Acad.III/2004 dt. 19-6-2004 not permitting the petitioner to write theory examination of Veterinary Epidemiology and Preventive Medicine scheduled to be held on 25-6-2004 in the college of Veterinary Science, Tirupathi as being illegal, unjust , arbitrary and violative of Art. 14 of the Constitution of India.

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WRIT PETITION NO : 13382 of 2004

Between:

B. Subashchandra Bose, S/o B. Siddaiah, Hindu,
R/o Tirupathi, Chittoor District.)H.T.No. TV/1998-075).

..... PETITIONER

AND

1 The Registrar, Acharya N.G. Ranga Agricultural University, Hyderabad.
2 Dean, Faculty of Verternary Science, Acharya N.G. Ranga Agricultural

University, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of Mandamus declaring the inaction of the respondents in not declaring the petitioner final year B.V.Sc. examination held in the month of June/July, 2004 as per Memo No. 25011/Exams.I/2000 dt. 23-7-2004 as being illegal, unjust, arbitrary and violative of Articles 14 and 21 of the constitution of India.

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO (in both the W.Ps.)

Counsel for the Respondents: MR.B.SIVA REDDY, Standing Counsel for ANGRAU (in both the W.Ps.)

The Court made the following :

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THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.10528 AND 13382 OF 2004

COMMON ORDER:

This order shall dispose of both the writ petitions as they are interconnected. The petitioner is a student of final year of Bachelor of Veterinary Science and Animal Husbandry (B.V.Sc.,& A.H.) in College of Veterinary Science in Acharya N.G.Ranga Agricultural University (ANGRAU) at Tirupathi. The final year examinations schedule was announced informing the students that the said examinations will be held on 21st,23rd,25th,28th and 30th of June, 2004. The petitioner sent his application for the said examinations and he was issued hall ticket. The Associate Dean of College of Veterinary Science, Tirupathi, the first respondent, issued a Memo dated 19.06.2004 informing the heads of departments and the Dean, Faculty of Veterinary Science of ANGRAU that the petitioner did not fulfil the minimum attendance of 75% during the academic year 2003-2004 in Veterinary Epidemiology and Preventive Medicine and therefore the petitioner is not eligible to write the examination of the said paper. Assailing the same, the petitioner filed Writ Petition No.10528 of 2004, *inter alia*, contending that having issued hall ticket, it was improper for the respondents to decline permission for appearing in the said examination. This Court while admitting the writ petition on 24.06.2004, passed interim orders in W.P.M.P.No.13359 of 2004 directing the respondents to permit the petitioner to write theory examination of Veterinary Epidemiology and Preventive Medicine scheduled on 25.06.2004.

The petitioner appeared for all the examinations of final year but the Registrar of ANGRAU issued Memo dated 23.07.2004, which is to the effect that the result of the petitioner and another will be declared subject to the judgment of the High Court. By the same Memo, results of other 54 students were declared, by which they become eligible to undergo compulsory rotational internship training programme for six months duration. Therefore, the petitioner filed second writ petition being W.P.No.13382 of 2004 seeking a declaration that the action of the respondents,

namely, Registrar of ANGRAU and Dean, Faculty of Veterinary Science, in not declaring the result of the petitioner as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India. This Court admitted the writ petition on 30.07.2004 but declined to pass interim orders directing the respondent University to declare the result and directed the writ petition to be heard expeditiously.

The University filed counter affidavit in W.P.No.10528 of 2004 making the following averments. The petitioner registered for various courses. During ninth semester of final year of B.V.S.C., & A.H., the petitioner has not put in minimum attendance of 75% required for appearing in one of the courses i.e. Veterinary Epidemiology and Preventive Medicine – Paper II in both theory and practicals. He has only 71% and 62% of attendance in theory and practicals respectively. As he did not comply with the attendance rules, he was informed by Memo dated 19.04.2004 that he is not eligible for appearing the examinations. As wrong provision was quoted, revised orders were issued on 22.06.2004. Strong reliance is placed on Regulation 8 of the Examination Regulations for B.V.Sc., & A.H., Course. It is also stated that the teachers submitted attendance particulars on 16th and 17th of June, 2004 and the concerned clerk compiled the attendance and put up on the notice board on 22.06.2004. The attendance particulars were also furnished on the notice board by Memo dated 19.06.2004 that as the petitioner failed to get 75% attendance, he was declined permission for appearing paper II examination.

The matter initially came before this Court on 25.08.2004. This Court directed the learned Standing Counsel for ANGRAU to produce the result of the final year B.V.Sc.,&A.H., examination of the petitioner in a sealed cover. On 26.08.2004, the learned Standing Counsel could not produce the result of the petitioner and therefore the matter was heard finally.

Learned counsel for the petitioner Sri E.V.Bhagiratha Rao submits that the petitioner submitted application for examinations in time and he was given hall ticket. By reason of which, he appeared for the theory examinations held on 21st and 23rd of June, 2004. The respondents, who never raised any objection regarding attendance, suddenly issued Memo dated 19.06.2004 informing that the petitioner is not eligible for appearing the examination of Paper II – Veterinary Epidemiology and Preventive Medicine scheduled on 25.06.2004. This is arbitrary and illegal. The petitioner was not put in notice, otherwise the petitioner could have taken steps as per Regulation 8.2(b) for condonation of attendance. **Per Contra**, the learned Standing Counsel for ANGRAU Sri B.Siva Reddy submits that the petitioner was informed in April, 2004 itself that he is not eligible due to shortage of attendance.

Regulation 8 of Course Regulations of the ANGRAU deals with required attendance, a student should have before such student is permitted for final examinations. The same reads as under:

Regulation 8.1: Every student shall ordinarily attend all meetings in a course. However, the minimum attendance prescribed in a subject/paper is 75%. The minimum limit of attendance shall be reckoned for theory and practicals separately, for a full period of two semesters of study before he/she is eligible for appearing in the Annual Board of Examination. A student who fails to put in the minimum attendance either in theory or

practical shall not be permitted to appear for the Annual Board Examinations and his/her registration for that paper shall be treated as cancelled.

On the recommendation of the Principal, permission may be given by the Dean of Student Affairs to depute the students, representing the College/University at Inter Collegiate/Inter University meets in NCC, NSS, Games and Sports and other extra and Co-curricular meets and the absence of students in such cases, shall be upto a maximum of 20% of the working days (over and above the 25% of absence to be allowed in attendance) provided the list is communicated by the Dean of Student Affairs to the Principals at least two weeks before the last working day.

Regulation 8.2(a): If a student admitted to the 1st year does not register the courses of that year or having registered does not put in at least 75% of attendance in all the courses of 1st year B.V.Sc., his/her admission shall stand cancelled.

Regulation 8.2(b): A student who wishes to seek relaxation of the above provision may apply to the Principal giving the grounds and proof thereof due to which he/she could not fulfil the minimum attendance requirements. The readmission of such a student shall be considered by a Committee consisting of the Principal, a Senior Professor of the College nominated by the Principal, a Senior Professor of the College nominated by the Principal, Advisor of Student concerned and the University Medical Officer as a Co-opted member wherever necessary. "But a student has to put in at least 60% of attendance in the First Semester." If the Committee is satisfied, the Principal may pass an order permitting the student to continue studies by registering the courses in which he/she has short of attendance, when offered next in the corresponding academic year.

As per Regulation 8.1, to be eligible for appearing in Annual Board Examination, a student must have 75% attendance in a subject/paper and the attendance shall be reckoned for theory and practical separately for a full period of two semesters of study. However, on the recommendation of the Principal, the Dean of Student Affairs can condone the attendance up to a maximum of 20% of working days in the case of students, who represent the college/university at Inter Collegiate/Inter University meets in NCC, NSS, Games and Sports and other extra curricular meets. Regulation 8.2(a) deals with a case of a student, who is admitted to first year B.V.Sc., if such student fails to put in 75% of attendance, his admission shall stand cancelled. Under Regulation 8.2(b), a student may seek relaxation by applying to the Principal giving grounds and proof thereof for not fulfilling the attendance requirements, provided such a student has at least 60% of attendance in the first semester. The learned counsel for the University contends that Regulation 8.2(b) does not apply to all students but it only applies to first year students. This submission cannot be accepted.

A perusal of Regulation 8.2(b) shows that the power of relaxation or condoning shortage of attendance is given to the Principal in all the cases and not only in the case of first year students. The use of words "above provision" and "re-admission" of such students in Regulation 8.2(b), no doubt supports contention of the learned Standing Counsel for the ANGRAU but it would be quite arbitrary to say that a first

year student is eligible for condonation of shortage of attendance and that such facility is not available to a student, who has completed the entire course and falls short of attendance in the final year in one paper. Further, as per Regulation 8.1, a student is required to put in required attendance of 75% “for a full period of two semesters of study”. Even according to the counter affidavit filed on behalf of the University, the petitioner has 71% of attendance in theory and 62% of attendance in practicals in ninth semester of final examination. Thus, the University has not adopted the correct method while reckoning the attendance of the petitioner. The respondents ought to have considered the attendance of petitioner in eighth and seventh semesters.

The petitioner applied for examination and he was permitted for examination in two papers. He was informed that he falls short of attendance on the eve of examination scheduled on 25.06.2004. As rightly pointed by the learned counsel for the petitioner for the lapse on the part of the University authorities in not notifying the students well in advance at least before issuing hall ticket, the student cannot be made to suffer. This Court cannot approve the arbitrary exercise of power by the respondents.

The petitioner herein appeared for all the examinations pursuant to orders of this Court dated 24.06.2004 in W.P.M.P.No.13359 of 2004. The University has declared the results of all the students of his batch, except that of the petitioner. The respondent university is directed to declare the result of petitioner and issue necessary eligibility certificate for undergoing rotational internship training programme.

The writ petitions, with the above observations and directions, are accordingly disposed of.

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(V.V.S.RAO,J)

26.08.2004.

pln

To

1. Associate Dean, College of Veterinary Science, Tirupathi.
2 Dean, Facultry of Veterinary Science, Acharya N.G. Ranga Agricultural

University, Hyderabad.

3. The Registrar, Acharya N.G. Ranga Agricultural University, Hyderabad.

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